

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------------|---|-----------------------|
| In re Application of |) | |
| |) | |
| Panos PAPANASTASIOU |) | Customer No.: 37003 |
| |) | |
| Application No.: 10/009,505 |) | Group Art Unit: |
| |) | |
| Filed: December 5, 2001 |) | Examiner: |
| |) | |
| Title: CAVITY STABILITY PREDICTION |) | Docket N°: 57.0328-WO |
| METHOD FOR WELLBORES |) | |

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450 on February 10, 2004.

Lorraine Ronnlund 2.10.04
Lorraine Ronnlund Date

RENEWED PETITION UNDER 37 CFR 1.181

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant respectfully requests that the holding of abandonment in this application be withdrawn.

On November 11, 2002, Applicant filed a Petition under 37 CFR 1.181 to Reset the Period for Response, a copy of which is attached hereto as Exhibit A. Enclosed with Petition was the original executed Declaration and Power of Attorney for this application.

On December 15, 2003, Applicant received a decision, a copy of which is attached hereto as Exhibit B, dismissing Applicant's petition without prejudice and noting that the

Paper Date: February 10, 2004

application remains abandoned. The decision noted that any request for reconsideration on the merits of the petition must be filed within two (2) months from the mailing date of the decision. This Renewed Petition is being filed within this two (2) month period.

On November 20, 2002, nine (9) days after filing the original Petition under 37 CFR 1.181, Applicants received an updated Notification of Missing Requirements (Form PCT/DO/EO/905), attached as Exhibit C, that reset the period for response to two (2) months from the date that the Notification of Missing Requirements was mailed (i.e. two months from November 13, 2002). As noted above, Applicant submitted an original executed Declaration and Power of Attorney for this application on November 11, 2002 with the original Petition under 37 CFR 1.181, within this reset two month period for reply.

Accordingly, Applicant believes that holding of abandonment in this case is moot and must be withdrawn.

Applicant believes that no fee is due in connection herewith. However, in the event that a fee or credit is due, the Commissioner is authorized to charge/refund the fee/credit to Deposit Account No. 19-0615. Two copies of this paper are attached.

Respectfully submitted,

By: W.B. Batzer
William B. Batzer
Registration N° 37,088

Schlumberger-Doll Research
36 Old Quarry Road
Ridgefield, Connecticut 06877-4108
Phone: (203) 431-5506
Fax: (203) 431-5640
February 10, 2004

57.0328-WO

APPLICANT: Panos PAPANASTASIOU

APPL NO: 10/009,505

FILED: December 5, 2001

TITLE: CAVITY STABILITY PREDICTION METHOD FOR WELLBORES

PAPERS: PETITION UNDER 37 CFR 1.181 TO RESET THE PERIOD
FOR RESPONSE

COPY OF EXPRESS MAIL CERTIF. AND RETURN POST CARD FOR APPL.

COPY OF INFORMATION DISCLOSURE STATEMENT & RETURN POST CARD

COPY OF STATUS INQUIRY AND RETURN POST CARD

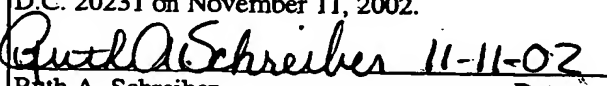
SUBMISSION OF MISSING PARTS W/COPY OF NOTIFICATION OF MISSING
REQUIREMENTS AND EXECUTED DECLARATION & POWER OF ATTORNEY

PAPER DATE: November 11, 2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------------|---|------------------------------------|
| In re Application of |) | |
| |) | |
| Panos PAPANASTASIOU |) | |
| |) | |
| Application No.: 10/009,505 |) | Group Art Unit: |
| |) | |
| Filed: December 5, 2001 |) | Examiner: |
| |) | |
| Title: CAVITY STABILITY PREDICTION |) | Docket N ^o : 57.0328-WO |
| METHOD FOR WELLBORES |) | |

| | |
|---|----------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231 on November 11, 2002. | |
|  | 11-11-02 |
| Ruth A. Schreiber | Date |

**PETITION UNDER 37 CFR 1.181
TO RESET THE PERIOD FOR RESPONSE**

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

ATTENTION: PCT Legal

Sir:

Applicant respectfully requests the Period for Response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) be reset and the enclosed Submission of Missing Parts be accepted as being timely filed.

Applicant filed this application on December 5, 2001 by Express Mail and applicant received the return postcard date stamped by the US PCT/PTO office with the filing date and Serial Number. (Copies of the Express Mail Certificate, Label, and

postcard are enclosed). Applicant has never received an Official Filing Receipt in this application.

On February 6, 2002, applicant filed the Information Disclosure Statement, PTO-1449 form and references. (Copies of these documents, other than the references, along with a copy of the return postcard with the PCT/PTO date stamp are enclosed).

On July 23, 2002, applicant filed a Status Inquiry Letter, which was received and date stamped on the return postcard on July 29, 2002. In this letter Applicant indicated that an Official Filing Receipt had not been received and that applicant was still waiting for the "Notice to File Missing Parts" so that applicant could file the Declaration and Power of Attorney.

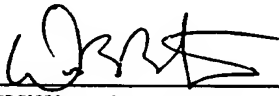
Applicant's Paralegal, Ms. Ruth Schreiber, called the PCT help desk on November 7, 2002 at 9:40 a.m. to inquire into the status of this case. Ms. Schreiber spoke with Ms. Sue Wolski and requested a status check on this file. Later in the day, Ms. Wolski called Ms. Schreiber and advised Ms. Schreiber that a Notification of Missing Requirements dated February 6, 2002 had been mailed to applicant. Ms. Wolski later faxed a copy of the Notification of Missing Requirements to applicant (copy attached). A response to this Notice was due April 6, 2002. Applicant has no record of receiving this Notification. The Status Inquiry Letter was mailed in July because applicant had not received any official correspondence from the PCT Receiving Office regarding this case.

The Declaration and Assignment documents were executed on December 10, 2001 and have been in applicant's file waiting for receipt of the Notification of Missing Requirements (Copies of these documents are enclosed). Applicant has been prepared to file the Declaration in response to the Notification of Missing Requirements since the middle of December 2001.

Applicant respectfully requests that the period for response to the Notification of Missing Requirements be reset and the enclosed Submission of Missing Parts be accepted as being timely filed.

Applicant believes that a fee of \$130.00 is due. However, in the event that an additional fee/credit is due, the Commissioner is authorized to charge/refund the fee/credit to Deposit Account No. 19-0615. Two copies of this paper are attached.

Respectfully submitted,

By: 
William B. Batzer
Registration N° 37,088

Schlumberger-Doll Research
36 Old Quarry Road
Ridgefield, Connecticut 06877-4108
Phone: (203) 431-5506
Fax: (203) 431-5640
November 11, 2002

US57.0328-WO

APPLICANT: Panos PAPANASTASIOU

APPL NO: To be Assigned
INT'L APPL NO: PCT/GB00/02471

10/009505

FILED: 05 December 2001 JC18 Rec'd PCT/PTO 0.5 DEC 2001
INT'L FILING DATE: 22 June 2000

TITLE: CAVITY STABILITY PREDICTION METHOD FOR WELLBORES

PAPERS: Express Mail Certificate No. EL442087508US
Transmittal Letter of the US Designated/Elected Office
Copy of Publ. PCT Appl WO 01/00962A1
Copy of PCT/IB/308 Form

PAPER DATE: 05 December 2001

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| WB | | EK | | RS | | PS |
| SDR PATENTS | | | | | | |
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| FILE 57.0328-WO | | | | CC: | | |
| DOCK'D | | | | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Panos PAPANASTASIOU)

Appl. No.: To be Assigned)

Int'l Appl No.: PCT/GB00/02471)

Filed: 05 December 2001)

Int'l Filing Date: 22 June 2000)

For: CAVITY STABILITY PREDICTION)
METHOD FOR WELLBORES)

Group Art Unit:

Examiner:

Docket N°: US57.0328-WO

EXPRESS MAIL CERTIFICATE
UNDER 37 CFR §1.10Assistant Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

EL442087508US


ATTENTION: Box New Patent Application

Sir:

Express Mail Label Number: EL442087508US

Date of Deposit: 05 December 2001

I hereby certify that the attached US national patent application and fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

(Signature)
(Print Name)
C . F LOSSSchlumberger-Doll Research
Patent Department
Old Quarry Road
Ridgefield, Connecticut 06877-4108
(203) 431-5000

EL 442087508US



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NO DELIVERIES

PHONE []

Phonics

SCHLUMBERGER-DOLL RESEARCH
OLD QUARRY ROAD
RIDGEFIELD CT 06877-4120

(US57.0328-WO)

ATTENTION: Box New Patent Appl.

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57.0328-WO

APPLICANT(S): Panos PAPANASTASIOU

APPL. NO.: 10/009,505

FILING DATE: December 5, 2001

TITLE: CAVITY STABILITY PREDICTION METHOD FOR WELLBORES



PAPERS: Information Disclosure Statement (IDS);
Form PTO-1449; references

JCO7 Rec'd PCT/PTO 15 FEB 2002

PAPER DATE: FEBRUARY 6, 2002

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| SDR PATENTS | | | | | | | |
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| FILE 57.0328WO | | | | CC: | | | |
| DOCK'D | | | | | | | |

57.0328-WO

APPLICANT(S): Panos PAPANASTASIOU

APPL. NO.: 10/009,505

FILING DATE: December 5, 2001

TITLE: CAVITY STABILITY PREDICTION METHOD FOR
WELLBORES

PAPERS: Information Disclosure Statement (IDS);
Form PTO-1449; references

PAPER DATE: FEBRUARY 6, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of

Panos PAPANASTASIOU

Application N°: 10/009,505

Filed: December 5, 2001

Title: CAVITY STABILITY PREDICTION METHOD
FOR WELLBORES

)
) Group Art Unit:
)

)
) Examiner:
)

)
) Attorney Docket No.:
) 57.0328-WO
)

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Lorraine Ronnlund

February 6, 2002
Date

INFORMATION DISCLOSURE
STATEMENT

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

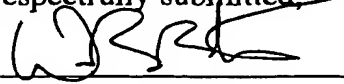
Sir:

In accordance with 37 C.F.R. §1.56, 1.97 and 1.98, the Applicants wish to bring the reference materials listed in the attached Form PTO-1449 to the attention of the U. S. Patent and Trademark Office. Copies of the references are provided for the Examiner's convenience.

No representation is made or intended that a complete and exhaustive prior art search has been made, or that no better references than those set forth below are available. Furthermore, this Statement does not constitute an admission that these references are properly citable against the present application as prior art.

It is respectfully requested that these references be considered by the Examiner and formally made of record in this case.

Respectfully submitted,

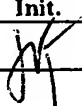


William B. Batzer
Registration N° 37,088

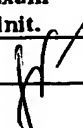
Schlumberger-Doll Research
36 Old Quarry Road
Ridgefield, Connecticut 06877-4108
(203) 431-5506
Date: February 6, 2002

| | | | |
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| FORM PTO-1449 | U.S. Department of Commerce Patent and Trademark Office | ATTY. DOCKET NO: | SERIAL NO.: |
| | | 57.0328-WO | 10/009,505 |
| | | APPLICANT: | EXAMINER: |
| | | Panos PAPANASTASIOU | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | | FILING DATE: | GROUP: |
| | | December 5, 2001 | |

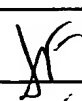
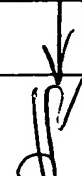
U.S. PATENT DOCUMENTS

| Exam Init. | Document Number | Date | Name | Class | Sub- class | Filing date if appropriate |
|--|--------------------|----------|-----------------|-------|---------------|-------------------------------|
|  | 3,907,034 | 09/23/75 | Suman, Jr. | 166 | 250 | 09/23/74 |
| | 4,862,991 | 09/05/89 | Hoyle et al. | 181 | 106 | 09/13/88 |
| | 4,881,208 | 11/14/89 | Liu | 367 | 35 | 10/27/88 |
| | 4,951,267 | 08/21/90 | Chang et al. | 367 | 31 | 10/15/86 |
| | 5,497,658 | 03/12/96 | Fletcher et al. | 73 | 151 | 03/25/94 |
| | 5,619,475 | 04/08/97 | Winkler | 367 | 27 | 11/09/95 |
| | 5,789,669 | 08/04/98 | Flaum | 73 | 152.51 | 08/13/97 |
| | 5,838,633 | 11/17/98 | Sinha | 367 | 31 | 01/27/97 |
| | | | | | | |
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FOREIGN PATENT DOCUMENTS

| Exam Init. | Document Number | Date | Country | Class | Sub- class | Translation Yes No |
|---|--------------------|----------|---------|-------|---------------|-----------------------|
|  | GB2293652A | 14.08.95 | U.K. | 6 | G01V 1/48 | |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|---|--|
|  | N. Morita. "Field and Laboratory Verifications of Sand Production Prediction Models". 7-10 Feb. 1994. SPE 27341, pp. 19-28. |
| | J. Zhang et al. "Mechanical Strength of Reservoir Materials: Key Information for Sand Prediction". SPE 49134, 27-30 Sept. 1998, pp. 423-430. |
| | H. Asheim. "Determination of Perforation Schemes to Control Production and Injection Profiles Along Horizontal Wells". SPE, March 1997, pp. 13-17. |
| | C. Presles et al. "A Sand Failure Test can Cut Both Completion Costs and the Number of Development Wells". SPE 38186, March 1997, pp. 13-17. |
| | F. Sanfilippo et al. "Sand Production: from Prediction to Management". SPE 38185, (1997), pp. 389-398. |
| | J. Tronvoll et al. "Sand Production: Mechanical Failure or Hydrodynamic Erosion?" Int. J. Rock Mech. & Min. Sci., Vol 34, No.3/4, Paper No. 291, (1997), pp. 1-11. |
|  | A. Skjaerstein et al. "Hydrodynamic Erosion: A Potential Mechanism of Sand Production in Weak Sandstones". Int. J. Rock Mech. & Min. Sci., Vol. 34, No. 3-4, Paper No. 292 (1997), pp. 1-20. |

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**Title: CAVITY STABILITY PREDICTION
METHOD FOR WELLBORES**

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Docket N^o: 57.0328-WO

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231 on November 11, 2002.

Ruth A. Schreiber 11-11-02
Ruth A. Schreiber Date

SUBMISSION OF MISSING PARTS


Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Sir:

In accordance with the "Notification of Missing Requirements Under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US)", mailed February 6, 2002 and attached hereto, enclosed please find the executed Declaration and Power of Attorney for the above-identified application.

The surcharge of \$130.00 was already paid on Form PTO-1390, page 2 of 2 that accompanied the application. A Petition Under 37 CFR 1.181 To Reset the Period for Response and to accept this Submission of Missing Parts as being timely filed is being filed concurrently herewith. Applicant does not believe a fee is due. In the event this is incorrect, the Commissioner is hereby authorized to credit/charge Deposit Account No. 19-0615. Two copies of this sheet are attached.

Respectfully submitted,


William B. Batzer
Registration No. 37,088

Schlumberger-Doll Research
36 Old Quarry Road
Ridgefield, Connecticut 06877-4108
Phone: (203) 431-5506
Fax: (203) 431-5640
November 11, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PT-1
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

| | | |
|---|--|--------------------------------|
| U.S. APPLICATION NUMBER NO. 10/009,505 | FIRST NAMED APPLICANT Panos PAPANASTASIOU | ATTY. DOCKET NO. US 57.0328 |
| INTERNATIONAL APPLICATION NO. PCT/GB00/02471 | | |
| IA. FILING DATE 06/22/2000 | | PRIORITY DATE 06/23/1999 |

William B Baatzer
Intellectual Property Law Department
Old Quarry Road
Ridgefield, CT 06877-4108

CONFIRMATION NO. 5010

371 FORMALITIES LETTER



OC00000007428546

Date Mailed: 02/06/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 305-3662

PART 2 - OFFICE COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/009,505 | PCT/GB00/02471 | US 57.0328 |

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I/We hereby declare that:

My/Our residence, post office address(s) and citizenship(s) are as stated below next to my/our name(s), and

I/We believe I/We am/are the original, first and sole inventor of the subject matter which is claimed (if only one name is listed below) or an original and first inventor of at least some of the subject matter which is claimed (if plural names are listed below) and for which a patent is sought on the invention entitled

CAVITY STABILITY PREDICTION METHOD FOR WELLBORES

the specification of which

☐ is attached hereto.

☒ was filed on 22 June 2000

as PCT International Application No. PCT/GB00/02471

and was amended on _____ (if applicable).

I/We hereby state that I/we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

Prior Foreign Application(s)

I/We hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Country | Application No. | Filed (d/m/y) (23.06.99) 23 June 1999 | Issued (d/m/y) | Priority Claimed |
|---------------|-----------------|---|----------------|--|
| Great Britain | 9914505.4 | | | Y <input checked="" type="checkbox"/> N <input type="checkbox"/> |
| | | | | Y <input type="checkbox"/> N <input type="checkbox"/> |

Prior United States Applications

I/We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I/We acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date (d/m/y) | Status (Patented, Pending, Abandoned) |
|------------------------|---------------------|---------------------------------------|
| | | |
| | | |

And, I/We hereby appoint, both jointly and severally, as my attorney(s) and/or agent(s) with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorney(s) and agent(s), their registration numbers being listed after their names.

John J. Ryberg, 31,134; William B. Batzer, 37,088; and William L. Wang, 39,871

I/We hereby request that all correspondence be directed to:

Intellectual Property Law Department,
Schlumberger-Doll Research,
Old Quarry Rd., Ridgefield, CT 06877,
and that all telephone calls be directed to Patent Department at (203) 431-5507.

I hereby declare (if sole inventor) or each of us hereby declares (if joint inventors) that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SOLE OR FIRST INVENTOR

Signature: Papanastasiou Date: 10/12/2001

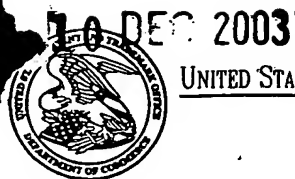
Full Name: Panos PAPANASTASIOU

Residence: 10 Laxton Avenue, Hardwick, Cambridge CB3 7XL, Great Britain

Citizenship: United Kingdom

Post Office Address: 10 Laxton Avenue, Hardwick, Cambridge CB3 7XL, Great Britain

SCHLUMBERGER-DOLL RESEARCH
Old Quarry Road
Ridgefield, CT 06877-4108



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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William B. Batzer
SCHLUMBERGER-DOLL RESEARCH
36 Old Quarry Road
Ridgefield, CT 06877-4108

In re Application of
PAPANASTASIOU, Panos
U.S. Application No.: 10/009,505
PCT No.: PCT/GB00/02471
Int. Filing Date: 22 June 2000
Priority Date: 23 June 1999
Attorney Docket No.: US57.0328
For: CAVITY STABILITY PREDICTION
METHOD FOR WELLBORES

| | | | | | |
|--------------------------------|---|----|---------|----|---|
| WB | ✓ | JD | RS | CR | ✓ |
| SDR PATENTS | | | | | |
| DEC 15 2003 | | | | | |
| FILE 57.0328 | | | CC: SCR | | |
| DOCK'D <i>Reserve Petition</i> | | | | | |

due Feb. 10, 2003/e
DECISION

This is a decision on applicants' "Petition Under 37 CFR 1.181 to Reset the Period for Response" filed on 18 November 2003 which is treated as a petition to withdraw the holding of abandonment. No fee is required.

BACKGROUND

On 06 February 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 29 July 2002, a "Status Inquiry" was submitted requesting information on the above-identified application.

On 18 November 2002, applicants submitted the instant petition which was accompanied by, *inter alia*, a document titled "Submission of Missing Parts" along with an executed declaration.

DISCUSSION

The time period to respond to the Form PCT/DO/EO/905 mailed 06 February 2002 including all extensions of time pursuant to 37 CFR 1.136(a) has already expired.

Accordingly, the above-captioned application is hereby **ABANDONED**.

In the instant petition, applicants claim that the Form PCT/DO/EO/905 mailed 06 February 2002 was never received until a copy was sent via facsimile in November 2002 after a call to the PCT Help Desk. Accordingly, this petition is deemed a petition

to withdraw the holding of abandonment based on a failure to receive an Office action, not a petition to reset the time period due to late receipt of an Office action. See § 711.03(c) MPEP.

Petition to Withdraw the Holding of Abandonment

The showing required to establish the failure to receive an Office communication consists of: (1) a statement from the practitioner declaring that the Office communication was not received by the practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and, (3) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioners' statement.

In the "Status Inquiry" filed 29 July 2002, applicants claim that "[w]e are currently waiting for the Official "Filing Receipt" and "Notice to File Missing Parts, *Filing Date Granted*." This statement satisfies item (1). ~~However, applicants have not made the required statement that a search of the file jacket and docket records indicate that the~~ Notification of Missing requirements was never received. As such, item (2) is not yet complete.

In addition, petitioners have not provided a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. This requirement is outlined in section 711.03(c) of the MPEP which states, in part:

A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.

Applicants may provide a copy of the docket records for the date upon which a response to the Form PCT/DO/EO/905 mailed 06 February 2002 was due (*i.e.*, 06 April 2002). An example of such a record would be a daily "tickler" report or a daily log showing all applications for which a response is due on that date. However, this evidence has not yet been provided. As such, item (3) is not satisfied.

Applicants have not yet established nonreceipt of an Office action.

CONCLUSION

Applicants' petition to withdraw the holding of abandonment is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." No fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents; Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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